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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,185	08/22/2003	Harutomi Nishide	IIP-110-A	9049
21828	7590	05/17/2006	EXAMINER	
CARRIER BLACKMAN AND ASSOCIATES			TO, TOAN C	
24101 NOVI ROAD			ART UNIT	
SUITE 100			PAPER NUMBER	
NOVI, MI 48375			3616	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/646,185	NISHIDE ET AL.	
	Examiner	Art Unit	
	Toan C. To	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9-11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 7 is/are allowed.
- 6) ☒ Claim(s) 3,5,9,11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) 6 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8-22-2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 5, 9, 13, 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, recitation "the buckle is adapted to be fixed to a rear end face of the accommodator.... a face which faces the rear of the vehicle" renders the claim indefinite for being unclear, since according to the specification and the drawing, the buckle 10 is fixed to the side end face of the accommodator 21 but not to the rear end face of the accommodator 21 as claimed.

With respect to claims 5, 9, 13, 14, these claims are also indefinite for being unclear with similar reasons as indicated above, in this case, the anchor 4 is fixed to the side end face of the accommodator/seat supporting member 21 but not to the rear end face of the accommodator/seat supporting member 21 as claimed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 3, 5, 9, 11, and 13-14, as best understood by the examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki (U.S. 6,069,325).

Aoki discloses an attaching structure for a seatbelt apparatus of a vehicle equipped with a seat, which is provided on a vehicle body through a pair of weight sensors (weigh measuring apparatus 5, one on each side of the seat) at both side thereof, which is positioned below a pair of seat side rails (11) wherein seatbelt apparatus comprising: a buckle (4) adapted to be fixed to one side of the seat (3); a seat belt (2), one end of the seat belt (2) is adapted to be fixed to the vehicle so that it allows adjustment of the length of the seatbelt (2), and the other end of the seatbelt is connected to an anchor (12) that is adapted to be fixed to the other side of the seat; a tang (inherently disclosed, since Aoki discloses the seatbelt apparatus having a buckle 4) is provided on the seatbelt and operatively engaged with the buckle (4) so as to hold an occupant on the seat (it is noted that in Aoki, column 2, lines 57-58, and last line of column 3 to first line of column 4, disclose that there are two set of anchor 12 and buckle 4, each set is provided on the rear part of each side rail 11, therefore, the examiner interprets one set corresponding to the buckle and the other set corresponding to the anchor as claimed); wherein the anchor and the buckle are adapted to be fixed at a positions nearer to the seat (3a) than the weight sensor (5); wherein the weight sensor includes a detector (31) which measures a load applied on the seat (3a), wherein a pair of weight sensor (5) include a first and second and an accommodators (bottom portions of the seat side rails 11) which stores the detectors

(31) at an underside thereof and constitutes part of the seating structures (11), wherein the buckle (4) is adapted to be fixed to the first accommodator; and the anchor is adapted to be fixed to the second accommodator of the weight sensor to prevent the weight sensor from receiving a tensile force caused by the seatbelt apparatus; wherein the seating supporting structure member (11) is a part of the weigh sensor which is not affected by a load applied to the seat.

Response to Arguments

5. Applicant's arguments filed February 25, 2006 have been fully considered but they are not persuasive. The prior art still read on the claimed limitations.

In response to applicant's arguments that Aoki does not disclose either the seat belt buckle or anchor is fixed to the rear end face of the accommodator, wherein the rear end face corresponding to a face which faces the rear of the vehicle, the examiner agrees; however applicant is noted that the instant application also does not disclose either the seat belt buckle or the anchor is fixed to the rear end face of the accommodator/the seat supporting member but instead the specification and drawing show that either the buckle or anchor is fixed to the side end face of the accommodator/the seat supporting member. The amendments to the claims now appear failing to comply with 35 U.S.C second paragraph, and the rejection is set forth above.

Allowable Subject Matter

6. Claims 6, and 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo
May 10, 2006

 5/15/06
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600